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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Luis A. Urenda-Bustos,

14 Petitioner,

15 v.

16 Jerry Howell, *et al.*,

17 Respondents.

Case No. 2:18-cv-01073-JCM-DJA

**Unopposed Motion for extension of
time in which to file reply in
support of Fourth Amended
Petition**

(Fifth Request)

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19 Petitioner Luis A. Urenda-Bustos respectfully moves this Court for an
20 extension of time of ten (10) days, from April 2, 2024, to and including Friday April
21 12, 2024, in which to file a reply in support of the Fourth Amended Petition.
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On July 16, 2021, Mr. Urenda-Bustos filed his Fourth Amended Petition in this case.¹ The filing followed Mr. Urenda-Bustos staying his case and returning to state court to exhaust claims.² On December 27, 2021, Respondents filed a Motion to Dismiss.³ Mr. Urenda-Bustos opposed the motion to dismiss on February 23, 2022.⁴ On August 25, 2022, this Court granted Respondents' motion to dismiss as to Ground 1 and ordered that Respondents file an answer as to Grounds 2 and 3.⁵ Respondents then sought four extensions of time to file their answer.⁶ Respondents ultimately filed their answer on May 22, 2023.⁷ On July 6, 2023, Mr. Urenda-Bustos sought his first extensions of time to file his Reply.⁸ On October 4, 2023, he sought a sixty (60) day extension.⁹ Then, on December 4, 2023, he sought a sixty (60) day extension.¹⁰ On February 2, Mr. Urenda-Bustos sought a final extension of sixty (60) days or until Tuesday April 2, 2024, to file his Reply.¹¹ This Court granted a final request. Mr. Urenda-Bustos now requests a ten (10) day extension for those reasons detailed below.

Undersigned counsel for whatever is worth is cognizant of the fact this Court previously noted it was not inclined to grant any more extensions of time and has since strived to finish the Reply. ECF No. 84 at 1. However—due to unforeseen circumstances that arose while finalizing pleadings in two other matters, discussed below—counsel has been unable to meet the April 2, 2024 deadline.

¹ ECF No. 19.

² *See* ECF Nos. 44-49.

³ ECF No. 60.

⁴ ECF No. 65.

⁵ ECF No. 67.

⁶ ECF Nos. 68, 70, 73, 75.

⁷ ECF No. 78.

⁸ ECF No. 79.

⁹ ECF No. 81.

¹⁰ ECF No. 83.

¹¹ ECF No. 85

1 For the past 6 months, or more, briefs have come due in every single case
2 undersigned counsel is currently handling as part of his job as a hybrid capital/non-
3 capital habeas attorney. Some, but not all, of those deadlines are listed in the previous
4 motions for extensions of time filed in this case. Counsel has been working tirelessly
5 to meet all his deadlines, to the point where counsel has worked every weekend for
6 many months now.

7 Since making his last request for an additional sixty (60) days¹² counsel has
8 had to draft three major pleadings. As noted in Mr. Urenda-Bustos' last request, on
9 February 7, 2024, counsel filed a Reply brief over one hundred pages long in the non-
10 capital habeas matter of *Bautista v. Garrett, et al.*, 20-cv-00403-LRH (D. Nev.). Then
11 counsel had to draft an opposition to motion to dismiss in the capital habeas matter
12 of *Walker v. Filson, et al.*, Case No. 15-cv-01240-RFB (D. Nev.), in which he is lead
13 counsel. The opposition was originally due on February 20, 2024, but counsel had to
14 request an additional thirty (30) days due to unforeseen issues with sections of the
15 brief that counsel was not anticipating he would have to write. *See id.* at ECF No.
16 139. Counsel ultimately filed a hundred-page pleading, along with motions for
17 discovery and an evidentiary hearing, on March 21, 2024. ECF No. 141 at 121.
18 Counsel thought he would then be free to finalize the Reply brief in Mr. Urenda-
19 Bustos' case. But—due to miscommunication regarding counsel's tasks—undersigned
20 counsel instead spent the following ten days working from morning to midnight to
21 draft close to one hundred pages worth of procedural default analysis in another
22 capital habeas case, *In re Edward Maury*, Case No. C095050, currently pending in
23 the California Third District Court of Appeal. Counsel sought to extend that task to
24 finalize Mr. Urenda-Bustos' Reply but was unable to because of California local rules
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27 ¹² ECF No. 85.

1 that provide that expedited cases may not be subject to requests for extensions of
2 time.

3 During the last two months, undersigned counsel has done everything within
4 his power to finalize Mr. Urenda-Bustos' pleading but, simply speaking, has been
5 overrun with endless deadlines in the above-noted and many other cases. For
6 example, on April 10, 2024, counsel will need to file a certificate of appealability with
7 the Ninth Circuit in the non-capital habeas matter of *Cook v. Dzurenda, et al.*, Case
8 No. 23-4011. And on April 28, 2024, counsel will need to file a reply brief in the non-
9 capital habeas matter, *Washington v. Gittere, et al.*, Case No. 19-cv-00256-MMD-CSD
10 (D. Nev.), in which the Court has likewise warned counsel no more extensions will be
11 granted. On April 30, counsel will need to file an Amended Petition in *Lopez-Delgado*
12 *v. Garrett, et al.*, Case No. 23-cv-00412-ART (D. Nev.). On May 13, 2024, counsel will
13 need to meet an AEDPA deadline and file an amended petition in *Fritz v. Garrett, et*
14 *al.*, Case No. 23-cv-00241-ART (D. Nev.). On May 14, 2024, counsel will need to file a
15 certificate of appealability in *Edmisten v. Neven, et al.*, Case No. 24-786. On May 16,
16 2024, counsel will need to present argument with the Ninth Circuit in *Zanini v.*
17 *Garrett, et al.*, Case No. 12-15397. On May 17, 2024, counsel will need to file an
18 opposition to motion to dismiss in *Villa v. Hutchings, et al.*, Case No. 21-cv-02030-
19 ART (D. Nev.). And, on May 21, counsel will need to file an opposition to motion to
20 dismiss in *Hayes v. Hutchings, et al.*, 21-cv-02267-APG (D. Nev.). Counsel's deadlines
21 extend in such fashion through July.

22 As evinced by the above-noted deadlines, counsel cannot afford not to meet his
23 April 12, 2024 deadline in this case—should this Court grant the same. Undersigned
24 counsel has taken decisive actions to ensure that is the case. For example, counsel
25 has cancelled his attendance at the Federal Defender Capital Habeas Unit (CHU)
26 National Conference, which all his colleagues will be attending between April 8-10,
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1 2024 in Denver, Colorado. And counsel has otherwise cleared his calendar through
2 April 12, 2024.

3 As noted above, this requested extension will permit counsel time to
4 thoroughly and adequately respond to the Respondents' answer. Counsel contacted
5 Deputy Attorney General Matthew S. Johnson on April 2, 2024, to ascertain whether
6 he would object to the present request. Opposing counsel noted that he does not.

7 WHEREFORE, counsel respectfully requests that this Court grant the present
8 request for an extension of time to file Mr. Urenda-Bustos' Reply in support of Second
9 Amended Petition by Friday April 12, 2024.

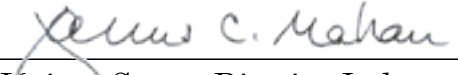
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11 Dated April 2, 2024.

12 Respectfully submitted,

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14 Rene L. Valladares
15 Federal Public Defender

16 /s/ Martin L. Novillo
17 Martin L. Novillo
18 Assistant Federal Public Defender

19 IT IS SO ORDERED:

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23 United States District Judge

24 Dated: April 10, 2024
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